



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,526	08/01/2000	Hidetoshi Hayashi	35.C14691	6108

5514 7590 07/13/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

SELBY, GEVELL V

ART UNIT PAPER NUMBER

2615

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/630,526	HAYASHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gevell Selby	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/31/05 have been fully considered but they are not persuasive.

The applicants submit the Matoba reference do not disclose the limitation of claim 10, "wherein said scanning circuit is arranged to start the scanning for said optical black portion and is also arranged to instruct said decoder to start the control of said scanning circuit to scan said sensor portion when scanning circuit completes the scanning for reading out the signal of said optical black portion." The Examiner respectfully disagrees.

### **Examiner's Response:**

The Matoba reference discloses a scanning circuit and a decoder combined in the vertical scanning decoder (204). The decoder outputs a start pulse ( $\phi_{in}$ ), as noted by the applicant. The pulse is outputted to the scanning circuit to control the start of scanning one of a plurality of blocks, in PAL mode the larger block from X2, Y2 - X5, Y5 is outputted and in NTSC mode, the smaller block from X3, Y3 - X4, Y4 is outputted (see column 13, line 64 to column 14, line 15). The scanning circuit part and the decoder part of the vertical scanning decoder are in communication wherein the scanning circuit part (see figure 18A: registers and signal lines X1-X5) sends a signal (output of the register at X2-1) to the decoder part (signal lines and switches 213-216) when the optical black portion has been read out so that the decoder can relay the signal to start the operation of

Art Unit: 2615

the first register of the PAL block or the NTSC block in the scanning circuit, depending on the mode (column 14, line 44 to column 15, line 5).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Matoba et al., 1,450,129.**

In regard to claim 10, Matoba et al., 1,450,129, discloses an image pickup apparatus comprising:

a sensor portion (see figure 16, element 221) including a plurality of pixels (see column 13, lines 56-58);

an optical black portion (figure 16, column X1 - X2-1 and row Y1 - Y2-1) including a plurality of optical black pixels (see column 13, lines 60-64 and column 14, lines 4-5);

a scan circuit (see figure 16, elements 204) effecting scanning for reading out signals of said sensor portion (see column 14, lines 16-31); and

a decoder (see figure 16, element 204) for dividing said scanning circuit into a plurality of blocks (see column 13, line 64 to column 14, line 15: In PAL mode the larger block from X2, Y2 - X5, Y5 is outputted and in NTSC mode, the

Art Unit: 2615

smaller block from X3,Y3 - X4,Y4 is outputted) and outputting a start pulse to said scanning circuit to cause scanning to start at a desired one of the plurality of blocks (see column 14, lines 16-31),

wherein said scanning circuit is arranged to start the scanning for said optical black portion and is also arranged to instruct said decoder to start the control of said scanning circuit to scan said sensor portion when scanning circuit completes the scanning for reading out the signal of said optical black portion (see column 14, lines 15-31 and figure 17: The optical black portion is read out during the vertical blanking period and when the vertical blanking period is completed, a timing signal is sent to read out the vertical effective pixels). The scanning circuit part and the decoder part of the vertical scanning decoder are in communication wherein the scanning circuit part (see figure 18A: registers and signal lines X1-X5) sends a signal (output of the register at X2-1) to the decoder part (signal lines and switches 213-216) when the optical black portion has been read out so that the decoder can relay the signal to start the operation of the first register of the PAL block or the NTSC block in the scanning circuit, depending on the mode (column 14, line 44 to column 15, line 5).

In regard to claim 11, Matoba et al., 1,450,129, discloses the apparatus according to claim 10, wherein upon receiving a reset pulse, said scanning circuit stops scanning (column 12, lines 34-51).

In regard to claims 12 and 13, Matoba et al., 1,450,129, discloses the apparatus according to claims 10 and 11 respectively, further comprising:

Art Unit: 2615

a lens (see figure 28, element 310) for focusing light onto said sensor portion (see column 17, lines 43-47);

an A/D converter (see figure 28, element 324) for converting the signals from said sensor portion into digital signals (see column 18, lines 61-64); and

a digital signal processor (see figure 28, element 328) for processing a signal from said A/D converter (column 18, lines 61-67).

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

Art Unit: 2615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



DAVID L. OMETZ  
PRIMARY EXAMINER